REMARKS

The present communication responds to the Office Action mailed August 10, 2005, which was made final and in which the Examiner rejected pending claims 1-19.

The rejections of the claims are respectfully traversed because none of the references, alone, or in combination, disclose an administering device that provides each of a dosing means having a dosage scale with a number of dosage marks axially spaced out from each other, a casing that is transparent, at least in an area overlapping the dosage scale, and a drive device that forms an indicator of the dosage scale, in order to indicate the initial position of the drive device in the transparent area of the casing, relative to the dosage marks on the dosage scale.

Applicants hereby reiterate and maintain the positions presented in the communication dated May 9, 2005. In addition, Applicants add the following comments.

Double Patenting Rejection

Claims 1-13, 18 and 19 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-16 of U.S. Patent 6,086,567 in view of U.S. Patent 4,936,833 to Sams.

Claims 14 and 15 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-16 of U.S. Patent 6,086,567 in view of Sams '833, further view of U.S. Patent 4,865,591 to Sams.

Claims 16 and 17 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-16 of U.S. Patent 6,086,567 in view of Sams '833, further in view of U.S. Patent 5,728,074 to Castellano et al.

Applicant respectfully traverses the obviousness-type double patenting rejections. Applicant disagrees with the Examiner's assertion in response to the arguments from May 9, 2005 that "the drive device 30, which is coupled to the driven device, provides an indicator of

the dosage scale either through the transparent area of the housing or by its general rearward axial movement caused by the setting of the dosage.".

Independent claims 1 and 18 include distinct elements over the cited Kirchhofer, Sams '833, Sams '591, and Castellano references. Further, independent claims 1 and 18 do not provide an indicator of the dosage scale through the transparent area of the housing or by its general rearward axial movement caused by setting the dosage. The independent claims require at least 1) a transparent casing overlapping 2) a dosage scale on the dosing means with a number of dosage marks axially spaced, 3) and an indicator of the dosage scale formed by the drive device in order to indicate the initial position of the drive device in the transparent area of the casing, relative to said dosage marks. The requirements described are supported at least by Figures 9-12.

Transparent casing enables the dosage scale to show through the casing. However, in addition to the transparent casing, an indicator is provided by the drive device. Therefore, the Examiner incorrectly asserts that the indicator of the dosage scale formed by the drive device is provided through the transparent area of the housing. Because the independent claims require at least transparent casing, a dosing means dosage scale, and an indicator on the drive device, the Examiner is incorrect in his assertions that "the drive device 30, which is coupled to the driven device, provides an indicator of the dosage scale either through the transparent area of the housing or by its general rearward axial movement caused by the setting of the dosage."

Rejection under 35 U.S.C. § 102

Claims 1-13, 18 and 19 were rejected under 35 U.S.C. § 102(b) over Sams '833.

This rejection is traversed because Sams '833 discloses a one-way dispensing device that includes "port 8 through which a scale 9 indicating the dose selected can be seen by the user." Sams column 7, lines 40-41. Sams '833 fails to disclose or suggest "the drive device forms an indicator of the dosage scale, in order to indicate the initial position of the drive device in the transparent area of the casing, relative to said dosage marks."

Rejection under 35 U.S.C. § 103

Claims 14 and 15 were rejected under 35 U.S.C. § 103(a) over Sams '833 in view of Sams '591.

Claims 16 and 17 were rejected under 35 U.S.C. § 103(a) over Sams '833 in view of Castellano.

The § 103(a) rejections are traversed because Sams '591 fails to remedy the deficiencies of Sams '833. Sams '591 includes "dosage selection mechanism and having a port 8 through which a scale 9 indicating the dose selected can be seen by the user." Sams '591, column 11, lines 45-46. However, Sams '591 fails to disclose or suggest that "the drive device forms an indicator of the dosage scale, in order to indicate the initial position of the drive device in the transparent area of the casing, relative to said dosage marks."

Castellano, too, fails to remedy the deficiencies of Sams '833. Castellano focuses on a medical injection device, but fails to disclose or suggest at least the requirement that "the drive device forms an indicator of the dosage scale, in order to indicate the initial position of the drive device in the transparent area of the casing, relative to said dosage marks."

Rejections of the dependent claims

Because claims 2-17, and 19 depend directly or indirectly from the independent claims and incorporate all the limitations of the corresponding independent claims, they are allowable for the same reasons and, further, in view of their additional recitations.

Conclusion

Applicants respectfully submit that claims 1-19 are in condition for allowance.

No new claim fees have been generated by this communication, but the Commissioner is hereby authorized to charge any deficiencies and credit any overpayments associated with this communication to Deposit Account No. 04-1420.

The application is in allowable form, and reconsideration and allowance are respectfully requested.

Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

Date: September 15, 2005

By: David E. Bruhn
David E. Bruhn, Reg. No. 36,762
(612) 340-6317

4815-4264-8832\1 9/15/2005 9:12 AM